

**Contracting Officer Ratification Checklist**  
**Revised July 2009**

- Ref: (a) Federal Acquisition Regulation (FAR) 1.602-3  
(b) Navy Marine Corps Regulation Supplement (NMCARS) 5201.602-3  
(c) Marine Acquisition Procedures Supplement (MAPS) 1.602-3

**I. Verify initiator's documentation includes the following (The initiator is the military or civilian personnel who initiated the Unauthorized Commitment (UC)):**

1. ☐ Signed statement has been provided to the Commanding Officer via initiator's chain of command. The statement shall address, at a minimum, the following NMCARS 5201.602-3(S-90)(a)(1) elements:

- a. ☐ The circumstances surrounding the unauthorized commitment;
- b. ☐ Why normal procurement procedures were not followed;
- c. ☐ What bona fide need of the Government necessitated the commitment;
- d. ☐ Whether the Government received any benefit and its value;
- e. ☐ Attempts to resolve the unauthorized commitment prior to requesting authorization (such as returning merchandise); and
- f. ☐ Any other pertinent facts.

2. ☐ Documentation shall include the original purchase request, contractor's proposal, funding verification, and, in accordance with NMCARS 5201.602-3(S-90)(a)(2), all orders, invoices, and other documentary evidence of the transaction.

**II. Verify first endorsement by Commanding Officer in initiator's chain of command:**

1. ☐ Was prepared using the "Commanding Officer Endorsement Template" in CMPG 5.11.

2. Includes:

a. An endorsement that:

- (1) ☐ The ratification request includes all documentary evidence of the transaction.
- (2) ☐ The documentation is accurate and complete.
- (3) ☐ The unauthorized commitment should be ratified.
- (4) ☐ The Government has obtained a benefit resulting from the performance of the unauthorized commitment.
- (5) ☐ Appropriate funding for ratifying the contract is available. Funding must be from the Fiscal Year (FY) in which the Unauthorized Commitment took place if such funds are available. Otherwise, currently available funds may be used.

b. ☐ A complete description of the supplies or services received.

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c. ☐ A description of any disciplinary action taken and any additional measures taken to prevent a recurrence of the unauthorized commitment within the command.

**III. Comptroller Review (per NMCARS 5201.602-3(c)(7) only required for ratifications in excess of \$1M where the use of expired funds is anticipated)**

☐ It is anticipated that expired funds in the amount of \$*insert amount of funds for this ratification* will be used. The Comptroller, *insert name of Comptroller, insert name of organization*, has reviewed this action and concurs.

**IV. Fulfill Contracting Officer's Responsibilities**

1. ☐ Review the documentation and endorsement and ascertain whether there are any doubtful questions of fact.

2. ☐ Prepare a Contracting Officer's Determinations and Findings (D&F). The D&F is the Contracting Officer's determination of the following:

a. ☐ The Unauthorized Commitment was not made to circumvent or evade procurement statutes and regulations.

b. ☐ Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the Unauthorized Commitment.

c. ☐ The Ratifying Official has the authority to enter into a contractual commitment.

d. ☐ The resulting contract would otherwise have been proper if made by an appropriate Contracting Officer. The Government was not otherwise precluded by law from procuring the supplies/services.

e. ☐ The Contracting Officer reviewing the Unauthorized Commitment determines the price to be fair and reasonable. Ensure a price reasonableness determination is included and addresses what data was used by the Contracting Officer to determine the price is reasonable.

f. ☐ The Contracting Officer recommends payment.

g. ☐ Proper type of funds are available and were available at the time the Unauthorized Commitment was made. [The obligation is chargeable to the fiscal year in which the need arose and the work was performed as a result of the UC. Per MAPS 1.602-3(c)(2)(iii), funding must be from the fiscal year in which the UC took place if such funds are available. Otherwise, currently available funds may be utilized.]

h. ☐ The ratification is in accordance with any other limitations prescribed under local/regional procedures.

3. ☐ Prepare draft contract document to award action in the event the ratification is approved.

4. ☐ Forward package to CL field Counsel for legal sufficiency review and obtain signature on the D&F.

**V. Take Appropriate Contractual Action After the Ratifying Official Has Ratified the UC or Denied the Ratification Request**

1. ☐ If the Ratifying Official makes the appropriate findings and determinations and

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ratifies the UC, execute the appropriate contractual document. The ratifying contract must be bilateral and shall include the following notice on the face of the contract:

**"NOTICE TO (INSERT NAME OF CONTRACTOR) — ACCEPTANCE OF UNITED STATES MARINE CORPS (USMC) CONTRACTS/ORDERS FROM USMC CONTRACTING OFFICERS ONLY**

This provision provides notice to *(insert name of Contractor)* that your company shall only accept USMC contracts/orders from warranted USMC Contracting Officers. Failure to comply with this notice may result in subsequent unauthorized commitments with your company not being ratified and paid."

2. ☐ If the Ratifying Official denies the ratification request, notify the contractor the ratification request has been denied.

### **VI. Disposition of Contracting Officer Ratification Checklist**

1. ☐ If ratification request is approved, file checklist in official contract file for contract action ratifying the unauthorized commitment.

2. ☐ If ratification request is denied, file checklist along with all ratification documentation.